

1

2

3

4

5

6

7

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

8

9

Acacia Media Technologies Corporation,
Plaintiff,

NO. C 05-01114 JW

10

v.

**ORDER FOLLOWING CASE
MANAGEMENT CONFERENCE**

11

New Destiny Internet Group, et al.,

Defendant(s).

12

And All Related and/or Consolidated Case Actions

13

14

The Court conducted a case management conference on June 14, 2005. Counsels for the Plaintiff and counsels for all Defendants were present. Defendants from the Central District and the Arizona District appeared telephonically.

15

As to pending motions, the parties stipulated to the following:

16

- 1) With respect to the “Adult Entertainment Cases”, Plaintiff voluntarily withdraws its Motion for Certification of a Defendant Class Action.
- 2) With respect to the “Cable/Satellite Cases”, Defendants Cable America Corporation, Cable One, Inc., and NPG Cable, Inc., voluntarily withdraw their Motions for More Definite Statement.
- 3) The Plaintiff and Defendants from the Northern District of Ohio and Minnesota stipulated to Defendants’ Motion to Add Counterclaims.

17

18

19

20

21

22

23

24

25

26

27

28

1 4) Plaintiff's Motion for Clarification of the Role of Rainer Schulz was discussed. The
2 Court has issued a separate Order proposing to amend the terms of appointment and
3 allowing the parties a period of time to make any objections.

4 5) Plaintiff's Motion for Consolidation is deemed moot in light of the MDL order.
5 In light of the MDL order, the Court invites any party who wishes to file a Motion for
6 Reconsideration of the Court's Markman Order issued on July 12, 2004 to do so in accordance with
7 the schedule set forth below. In the motion, the party shall identify the terms for which reconsideration
8 is sought and any additional terms in the 992 and 702 patents that should be defined. A hearing is set
9 for **September 8 and 9, 2005, from 9 a.m. to 4 p.m.** Pursuant to the Local Patent Rules of Court, all
10 parties shall:

11 1) No later than **July 29, 2005** serve on all other parties Proposed Terms and Claim
12 Elements for Construction pursuant to Patent L.R. 4-1 and Preliminary Claim
13 Constructions and Extrinsic Evidence pursuant to Patent L.R. 4-2.
14 2) No later than **August 25, 2005** file a Joint Claim Construction Statement and
15 Prehearing Statement pursuant to Patent L.R. 4-3. The statement shall be presented in
16 the following chart format:

| 17 Disputed Term | 18 Plaintiff's Proposed Construction | 18 Defendant's Proposed Construction |
|----------------------------|--|--|
|----------------------------|--|--|

19 The parties shall express their proposed construction in a manner suitable for incorporation into a jury
20 instruction.

21 For future case management conference, parties wishing to appear telephonically shall meet
22 and confer and set up their own conference call in number. The parties shall notify the Courtroom
23 Deputy Clerk, Mr. Ron Davis, three days prior to the date of conference.

24 None of the dates set in this Order may be changed without an order of the Court made after a
25 motion is duly filed and made pursuant to the Local Rules of this Court.

26 Dated: June 21, 2005

27 _____
28 /s/ James Ware

JAMES WARE
United States District Judge

United States District Court

For the Northern District of California

1 THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:

2 Alan P. Block blocka@hbdlawyers.com
3 Annamarie A. Daley aadaley@rkmc.com
4 Bradford P. Lyerla blyerla@marshallip.com
5 David A. York david.york@lw.com
6 Harold J. McElhinny HmcElhinny@mofo.com
7 J. Timothy Nardell EfilingJTN@cpdb.com
8 James Michael Slominski jslominski@hh.com
9 Jan J. Klohonatz jklohonatz@tcolaw.com
10 Jason A. Crotty jcrotty@mofo.com
11 Jeffrey D. Sullivan jeffrey.sullivan@bakerbotts.com
12 Jeffrey H. Dean jdean@marshallip.com
13 Jonathan E. Singer singer@fr.com
14 Juanita R. Brooks brooks@fr.com
15 Kevin D. Hogg khogg@marshallip.com
16 Kevin I. Shenkman shenkman@hbdlawyers.com
17 Maria K. Nelson mknelson@jonesday.com
18 Marsha Ellen Mullin memullin@jonesday.com
19 Michael J. McNamara michael.mcnamara@bakerbotts.com
20 Mitchell D. Lukin mitch.lukin@bakerbotts.com
21 Morgan William Tovey mtovey@reedsmith.com
22 Patrick J. Whalen pwhalen@spencerfane.com
23 Paul A. Friedman pafriedman@mofo.com
24 Rachel Krevans rkevans@mofo.com
25 Richard R. Patch rrp@cpdb.com
26 Robert F. Copple rcopple@lrlaw.com
27 Roderick G. Dorman dormanr@hbdlawyers.com
28 Stephen E. Taylor staylor@tcolaw.com
29 Stephen P. Safranski spsafranski@rkmc.com
30 Todd Glen Miller miller@fr.com
31 Todd R. Tucker ttucker@rennerotto.com
32 Victor de Gyarfas vdegyarfias@foley.com
33 Victor George Savikas vgsavikas@jonesday.com
34 William J. Robinson wrobinson@foley.com
35 William R. Overend woverend@reedsmith.com
36 William R. Woodford woodford@fr.com

37 **Dated: June 21, 2005**

38 **Richard W. Wieking, Clerk**

39 **By: /s/ JW Chambers**
40 **Ronald L. Davis**
41 **Courtroom Deputy**